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PRE-APPEAL BRIEF REQUEST FOR REVIEW		Docket Number (Optional)	
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		09/976,632	October 12, 2001
		First Named Inventor	
		BROWN, D. P.	
Art Unit		Examiner	
2162		Isaac M. Woo	
<p>Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request.</p> <p>This request is being filed with a notice of appeal.</p> <p>The review is requested for the reason(s) stated on the attached sheet(s). Note: No more than five (5) pages may be provided.</p> <p>I am the</p> <p><input type="checkbox"/> applicant/inventor.</p> <p><input type="checkbox"/> assignee of record of the entire interest. See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96)</p> <p><input checked="" type="checkbox"/> attorney or agent of record. Registration number <u>55,649</u></p> <p><input type="checkbox"/> attorney or agent acting under 37 CFR 1.34. Registration number if acting under 37 CFR 1.34 _____</p> <p>NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below*.</p> <p><input type="checkbox"/> *Total of _____ forms are submitted.</p>			

Harden E. Stevens III
Signature

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Typed or printed name

803-939-6505
Telephone number

12/6/05
Date

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	Douglas P. Brown, et al.	§	Group Art Unit:	2162
		§		
Serial No.:	09/976,632	§		
		§	Examiner:	Isaac M. Woo
Filed:	October 12, 2001	§		
		§		
For:	COLLECTING AND/OR	§	Atty. Dkt. No.:	10149 (NCR)
	PRESENTING DEMOGRAPHIC	§		
	INFORMATION IN A DATABASE	§		
	SYSTEM	§		

Mail Stop AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

PRE-APPEAL BRIEF REQUEST FOR REVIEW

Dear Sir:

Applicant requests review of the final rejection, in this case. No amendments are being filed with this request. This request is being filed with a Notice of Appeal.

Independent Claims

Independent claims 1, 17, and 32 have been rejected under 35 USC § 102(b) as being anticipated by Bertram (U.S. Pat. No. 6,369,820). It is respectfully submitted that Bertram does not show or suggest "accessing database demographics information stored in a database system and displaying the database demographics information ...," as required by Applicant. Bertram teaches "the present invention relates to an improvement in graphical display of data, particularly for capacity management ." (Col. 2, line 66 – col. 3, line 1.) Bertram further teaches that "capacity management refers to the monitoring of the network in order to ensure that the network can function." (Col. 1, lines 26-28.) Bertram is concerned with how a network and each computer system within the

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By: Michelle George
Name: Michelle George

network functions over time. Bertram does not teach the presence or use of a database as described by Applicant. In fact, the term "database" is not found within Bertram. Bertram also fails to show or suggest the existence of demographic information that relates to a database. Since there is no teaching of a database or that demographic information related to a database has been captured, let alone stored in a database, there is no teaching that demographic information related to a database is accessed from a database. It also follows that Bertram does not show or suggest displaying database demographic information since there is no database demographic information to display.

The Office alleges that in col. 3, lines 39-46, Bertram teaches "accessing database demographic information stored in a database system." Applicant respectfully disagrees. This passage teaches that "applications, not shown, allow a user to query each system 10 and 22-40 and receive information relating to each system's monitors." Bertram's systems are computer systems attached to a network. The monitors are used to determine capacity management for the network and "include CPU utilization, disk space available, the number of bytes sent by the system, and the number of bytes received by the system" (col. 3, lines 35-38). Nowhere does Bertram use the term "database" and the monitors are clearly related to the computer systems and how they utilize the network. There is no teaching that a database is present or that database demographic information has been collected or stored in any way much less in a database. These elements are simply missing from Bertram.

Bertram is clearly missing at least the above elements required by Applicant's claims. Therefore, it is respectfully submitted that the use of Bertram, as prior art for these claims, is improper and in error.

Dependent Claims


Dependent claims 2-16, 18-31, and 33 have been rejected under 35 USC § 102(b) as also being anticipated by Bertram (U.S. Pat. No. 6,369,820). It is respectfully submitted that Bertram is improper prior art because, as shown above, it fails to show or suggest all the elements of the independent claims these claims depend from.

CONCLUSION

In view of the foregoing, it is respectfully requested that the final rejections of the claims be withdrawn and that all claims be allowed. The Commissioner is authorized to charge any additional fees and/or credit any overpayment to NCR Deposit Account No. 14-0225.

Respectfully Submitted,

Date: 12-5-2005


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